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TOMORROW'S FORECAST

* The House has adjourned SINE DIE for the 2010 regular session.



GEORGIA HOUSE OF REPRESENTATIVES

DAILY REPORT



Thursday, April 29, 2010

40th Legislative Day

TODAY ON THE FLOOR

* Below is a listing of bills that received action by the House on its last legislative of the 2010 Session. For Conference Committee Reports, new summaries are currently being written to detail the FINAL PASSAGE version of these bills. For Insist positions, the House position summary is available

* A detailed "Final Report" is forthcoming and will provide these new summaries

CONFERENCE COMMITTEE REPORTS

HB 258 - Driver's license; minor of disabled guardian; restricted learner's permit; provisions

- **Authored By:** Rep. Austin Scott of the 153rd

- **House Committee:** Motor Vehicles

- **Yeas:** 151; **Nays:** 1

- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 321 - Insurance Delivery Enhancement Act of 2009; enact

- **Authored By:** Rep. Steve Davis of the 109th

- **House Committee:** Insurance

- **Yeas:** 128; **Nays:** 25

- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 396 - Drivers' licenses; driving record; uniform traffic citations; provisions

- **Authored By:** Rep. Tom Graves of the 12th

- **House Committee:** Motor Vehicles

- **Yeas:** 149; **Nays:** 6

- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 540 - Elections; remove references to ballot cards; provisions

- **Authored By:** Rep. Austin Scott of the 153rd

- **House Committee:** Governmental Affairs

- **Yeas:** 91; **Nays:** 72

- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 948 - General appropriations; State Fiscal Year July 1, 2010 - June 30, 2011

- **Authored By:** Rep. David Ralston of the 7th

- **House Committee:** Appropriations

- **Yeas:** 137; **Nays:** 33

- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 1069 - Income tax; credits for equipment that reduces energy or water usage; provide

- **Authored By:** Rep. Joe Wilkinson of the 52nd
- **House Committee:** Ways & Means
- **Yeas:** 97; **Nays:** 62
- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 1104 - Juvenile proceedings; graduated sanctions and secure detention for probation violators; provisions

- **Authored By:** Rep. Jimmy Pruett of the 144th
- **House Committee:** Judiciary Non-Civil
- **Yeas:** 150; **Nays:** 1
- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 1195 - Labor and industrial relations; Georgia Workforce Investment Board; create

- **Authored By:** Rep. Terry England of the 108th
- **House Committee:** Industrial Relations
- **Yeas:** 150; **Nays:** 7
- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 1198 - Income tax; taxable nonresident; change definition

- **Authored By:** Rep. Larry O`Neal of the 146th
- **House Committee:** Ways & Means
- **Yeas:** 123; **Nays:** 12
- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 1221 - Sales and use tax; change certain definitions

- **Authored By:** Rep. Larry O`Neal of the 146th
- **House Committee:** Ways & Means
- **Yeas:** 144; **Nays:** 17
- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

HB 1284 - Planning and Budget, Office of; record of user fees collected; provide for publication

- **Authored By:** Rep. Richard H. Smith of the 131st
- **House Committee:** Governmental Affairs
- **Yeas:** 149; **Nays:** 4
- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

SB 194 - State Purchasing; benefits based funding projects; revise provisions; change membership of an oversight committee

- **Authored By:** Sen. Ronnie Chance of the 16th
- **House Committee:** Energy, Utilities & Telecommunications
- **Yeas:** 148; **Nays:** 2
- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

SB 195 - Professions/Businesses; clarify applications submitted in prescribed form not necessarily written document; provisions

- **Authored By:** Sen. Ronnie Chance of the 16th
- **House Committee:** Health & Human Services
- **Yeas:** 147; **Nays:** 9
- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

SB 238 - Board of Regents Scholarship; authorize additional types of student financial assistance for medical/dental students; Medical College of Ga.

- **Authored By:** Sen. Seth Harp of the 29th
- **House Committee:** Higher Education
- **Yeas:** 100; **Nays:** 43
- *Adoption of the conference committee report by both House & Senate represents final passage of this bill.*

SB 244 - Ga. Registered Professional Nurse Practice Act; performance of health maintenance

act. by a designated caregiver shall not be prohibited

- **Authored By:** Sen. Renee S Unterman of the 45th
- **House Committee:** Health & Human Services
- **Yeas:** 136; **Nays:** 14
- **Adoption of the conference committee report by both House & Senate represents final passage of this bill.**

SB 308 - Firearms; carrying and possession; change provisions; definitions

- **Authored By:** Sen. Mitch Seabaugh of the 28th
- **House Committee:** Judiciary Non-Civil
- **Yeas:** 118; **Nays:** 44
- **Adoption of the conference committee report by both House & Senate represents final passage of this bill.**

SB 360 - Motor Vehicles; prohibit persons 18 years of age or younger from using wireless telecommunications devices; text messages

- **Authored By:** Sen. Jack Murphy of the 27th
- **House Committee:** Public Safety and Homeland Security
- **Yeas:** 133; **Nays:** 24
- **Adoption of the conference committee report by both House & Senate represents final passage of this bill.**

SB 454 - Bingo; define certain terms; provide certain veterans organizations may sell certain pull tab games of chance

- **Authored By:** Sen. John Douglas of the 17th
- **House Committee:** Judiciary Non-Civil
- **Yeas:** 151; **Nays:** 8
- **Adoption of the conference committee report by both House & Senate represents final passage of this bill.**

MOTIONS TO INSIST

HB 305 - Insurance; group life policy coverage; remove participation requirement

- **BILL SUMMARY:** HB 305 removes the participation requirement before the extension of group life policy coverage to dependents of employees or members.
- **Authored By:** Rep. Tom Knox of the 24th
- **House Committee:** Insurance
- **A motion to insist sends this bill back to the Senate for consideration.**

HB 335 - Revenue and taxation; comprehensive revision of provisions; provide

- **BILL SUMMARY:** HB 335 is titled the "Improved Taxpayer Customer Service Act of 2009."
- The bill provides that subpoenas and summons of garnishment may be served by registered or certified mail or statutory overnight delivery, return receipt requested. Currently personal service is required. If the person refuses to accept service by mail, other lawful service may be used, and the person shall be liable for the costs incurred for service. The bill allows the taxpayer with a sales tax refund claim to file a protest within 30 days of the date of notice of denial of the refund claim denial and to request a conference. Currently, they must request a protest hearing at the time their refund claim is filed and if they do not, their only remedy is suit in Superior Court. The bill allows taxpayers seeking refunds for erroneous or illegally collected sales taxes to obtain refunds directly from dealers without involving the Department of Revenue. If they are unable to obtain a refund from the dealer they may file a claim for refund with the commissioner. Alternatively, the taxpayer may initially file the claim for refund with the commissioner.
- The bill also allows for electronic filing of income tax returns for those taxpayers that are claiming the income tax credit for contributions to student scholarship organizations. Currently they cannot file electronically because they cannot electronically attach the confirmation form that is required to be filed with the return. Under this bill, if the IRS does not have the capability to allow for attachment of these forms, then the taxpayer must retain the confirmation forms and make them available upon request by the commissioner.
- **Authored By:** Rep. David Knight of the 126th
- **House Committee:** Ways & Means
- **A motion to insist sends this bill back to the Senate for consideration.**

HB 982 - Revenue and taxation; administrative garnishment; comprehensive revisions

- **BILL SUMMARY:** This bill provides for an administrative garnishment process. Using the current cumbersome judicial process to garnish, the Department of Revenue is only able to pursue about 240 garnishments annually because of the revenue agent resources required in the service and subsequent handling of the garnishments, and monetary costs in

court filing fees, etc., even if there are no objections by either the delinquent taxpayer or the garnishee. This means thousands of delinquent accounts are uncollected even though the delinquent taxpayers may have property or income that could satisfy the debt. This bill creates an administrative garnishment process. DOR must send a billing notice to the delinquent taxpayer within 6 months, no less than 30 days, before applying administrative garnishment so that the taxpayer has a chance to satisfy the liability and received notice of possible collection action by DOR. DOR would have to wait at least 30 more days before beginning the administrative garnishment process. Once notified, the taxpayer has 15 days to decide whether to appeal to Superior Court, make an administrative appeal to the Department, or allow the garnishment to go forward. Upon DOR's final determination, the taxpayer has 30 days to appeal to Superior Court. A delinquent taxpayer (one that has exhausted its appeal rights) would have two opportunities to put the administrative garnishment process back into Superior Court.

- **Authored By:** Rep. Larry O'Neal of the 146th

- **House Committee:** Ways & Means

- ***A motion to insist sends this bill back to the Senate for consideration.***

HB 1069 - Income tax; credits for equipment that reduces energy or water usage; provide

- **BILL SUMMARY:** HB 1069 provides for an income tax credit for taxpayers that purchase certain energy or water efficient equipment as part of new construction or for retrofit in the year the equipment is placed in service. The amount of the credit is 25% of the cost of the equipment or \$2,500, whichever is less. Eligible equipment includes energy and water efficient equipment certified by the commissioner of natural resources as effective in reducing business or domestic energy or water usage. Tax credits allowed shall not exceed a taxpayers' income tax liability, and unused credits may be carried forward for five years. The aggregate amount of the tax credits that shall be allowed is limited to the amount of federal funds granted to Georgia for this purpose, and these credits will only be granted in years such federal funds are granted. After purchase of the equipment, the taxpayer must submit an application to the Dept. of Revenue for approval of the credit, and the credits will be allowed on a first come, first served basis.

- **Authored By:** Rep. Joe Wilkinson of the 52nd

- **House Committee:** Ways & Means

- ***A motion to insist sends this bill back to the Senate for consideration.***

HB 1195 - Labor and industrial relations; Georgia Workforce Investment Board; create

- **BILL SUMMARY:** HB 1195 codifies the Georgia Workforce Investment Board that was created by a 2206 Executive Order, as well as providing for the membership of said board, its powers, functions and funding. Further, it establishes the Governor's Office of Workforce Development and Georgia Work Ready. This bill shall become effective upon its approval by the Governor or upon its becoming law without such approval.

All funding is federal. No state dollars will be spent.

- **Authored By:** Rep. Terry England of the 108th

- **House Committee:** Industrial Relations

- ***A motion to insist sends this bill back to the Senate for consideration.***

SB 56 - Georgia StopMeth Log; establish; electronically recording the identity; provide statement of purpose; definitions; misdemeanor penalty

- **BILL SUMMARY:** This bill provides for the Georgia Bureau of Investigation to establish a StopMeth Log program. The program creates an Internet information system tracking information from pharmacies and retailers regarding transactions for over the counter drugs which are used to create methamphetamine. The purpose of the program is to assist law enforcement.

The bill provides that buyers of listed drugs provide pharmacists and retailers with valid identification and other information. The bill also provides that the GBI is authorized to implement an Internet based program, accessible to those retailers, in compiling that information.

- **Authored By:** Sen. Gloria S. Butler of the 55th

- **House Committee:** Judiciary Non-Civil

- ***A motion to insist sends this bill back to the Senate for consideration.***

SB 238 - Board of Regents Scholarship; authorize additional types of student financial assistance for medical/dental students; Medical College of Ga.

- **BILL SUMMARY:** Senate Bill 238 grants the board of regents the authority to grant financial assistance to medical and dental students at the Medical College of Georgia by way of service cancelable loans to help with the cost of tuition. Students after the completion of their study program then are required to reside, and work in the state of Georgia for a one year period per \$1,000 dollars awarded. In the event that any portion is not paid through service then the recipient is then required to repay the amount by twice the amount of the remainder of the loan.

The board of regents already has the ability to grant such financial assistance to other qualified students for their servitude to Georgia. This bill simply expands the programs eligible to medical and dental students.

- **Authored By:** Sen. Seth Harp of the 29th

- **House Committee:** Higher Education

- ***A motion to insist sends this bill back to the Senate for consideration.***

SB 308 - Firearms; carrying and possession; change provisions; definitions

- BILL SUMMARY: This bill clarifies Georgia law regarding where a person who has a license to carry a weapon may or may not do so.

Section 1-1 provides definitions for the following terms as used in Code section 16-11-127: handgun, knife, license holder, long gun, weapon, and weapons carry license.

The bill maintains current law regarding persons having weapons on their own property, the manner of carrying openly, and reciprocity with other states.

The bill removes current language which prohibits persons from carrying weapons to "public gatherings" and provides that persons may not carry in: houses of worship, courthouses, jails or prisons, government buildings, state mental health facilities, bars, unless specifically permitted by the owner, or within 150 feet of a polling place. The bill also provides that it is not prohibited for a licensed person to have a weapon locked in a vehicle at those aforementioned location's parking facilities.

The bill provides that private property owners have the authority to determine whether persons shall have the right to carry on his or her property.

The bill maintains current provisions prohibiting weapons in schools, including colleges and universities, but removes the 1,000 foot "gun free school zone" provision.

Persons prohibited from receiving or retaining a license include those who are less than 21 years old, are prohibited under federal law, have a felony conviction, or have been convicted of specific misdemeanors.

Probate courts have five rather than three days to take certain administrative steps in the application process.

The state will have the authority to require licenses have covert and overt security features, such as holographic imaging and photographs of licensees, effective January 1, 2012. The fee for a license is increased to \$30.00. It will be an offense to possess a counterfeit license with intent to represent the information.

If a person takes legal action to challenge a rejected application, the applicant may sue for reasonable attorney fees. The new language provides the fees are only available upon showing the denial lacked substantial justification.

- **Authored By:** Sen. Mitch Seabaugh of the 28th

- **House Committee:** Judiciary Non-Civil

- ***A motion to insist sends this bill back to the Senate for consideration.***

SB 454 - Bingo; define certain terms; provide certain veterans organizations may sell certain pull tab games of chance

- BILL SUMMARY: SB 454 provides for clarity in the regulations regarding coin operated amusement machines. It clarifies the definition of what constitutes a legal "bona fide coin operated amusement machine" and creates a distinction between machines that provide no reward or a reward of free play or additional time to play (Class A Machines) and machines that reward with merchandise or vouchers as set out in subparagraphs (d)(1)(B) and (d)(1)(C) of Code Section 16-12-35 (Class B Machines). It further provides for an updated fee schedule to obtain annual master licenses for those owning these machines and for the annual permit for each machine. It creates a new annual location permit fee for business owners and operators that have these machines at their locations.

- **Authored By:** Sen. John Douglas of the 17th

- **House Committee:** Judiciary Non-Civil

- ***A motion to insist sends this bill back to the Senate for consideration.***

SB 488 - Georgia Foreign Money Judgements Recognition Act; not recognize foreign judgments in defamation actions

- BILL SUMMARY: Section 1:

This section of the bill defines the term 'crime' as used in Code section 9-3-99, relating to tolling of limitations for tort actions while criminal prosecution is pending, as:

- A felony

- Any violation of Article 15 of Chapter 6 of Title 40 (these are serious traffic offenses)

- A misdemeanor violation that results in another person's death or bodily harm that results in loss of member, rendering a member useless, seriously disfiguring the body or a member thereof, or causes organic brain damage rendering the body or a member thereof useless

The definition of 'crime' included in this bill is partly a result of the Supreme Court of Georgia decision in Beneke v. Parker. The bill also clarifies that the statute of limitations is tolled for any party against whom an action may be brought.

Section 2:

This section of the bill amends the "Georgia Foreign Money Judgments Recognition Act" so as not to recognize foreign judgments in defamation or injury to reputation actions unless the jurisdiction's laws provide sufficiently similar constitutional protections as provided by the United States Constitution and the Georgia Constitution.

- **Authored By:** Sen. Bill Cowser of the 46th

- **House Committee:** Judiciary

- **A motion to insist sends this bill back to the Senate for consideration.**

MOTIONS TO AGREE

HB 23 - Motor vehicles; cell phones; text messaging; prohibit use

- **BILL SUMMARY:** HB 23 prohibits the use of cell phones and similar electronic devices by class D driver's license holders under the age of eighteen. Penalties for violation include a fine of not more than \$100 and not less than \$50 as well as 2 points on the offender's driving record.

The Senate Public Safety Committee substitute to HB 23 makes violation of its provisions a flat \$150 fine. It changes the point accumulation on the license to 1 point from 2. And, finally, it removes the automatic suspension of the license if the driver is involved in an accident.

- **Authored By:** Rep. Matt Ramsey of the 72nd

- **House Committee:** Motor Vehicles

- **A motion to agree represents final passage of this bill.**

HB 323 - Death penalty cases; Supreme Court; pretrial proceedings; extend review period

- **BILL SUMMARY:** HB 323 alters O.C.G.A. § 17-10-35.1 which provides that a judge presiding over a case where the death penalty is sought may request the Supreme Court to review pretrial proceedings. The issues the Court reviews include venue, whether recusal of the trial judge is appropriate, challenge to the jury array, any motion to suppress evidence, motion for psychiatric and medical evaluation and any other matter deemed appropriate by the Court.

Currently, the Supreme Court must issue an order granting or denying review within 20 days of receipt of the request. The only change in the bill is that the Court would have 45 days rather than 20 days.

- **Authored By:** Rep. David Ralston of the 7th

- **House Committee:** Judiciary Non-Civil

- **A motion to agree represents final passage of this bill.**

HB 333 - Georgia Building Authority; exempt from certain sales and use tax; provisions

- **BILL SUMMARY:** This bill exempts the Georgia Building Authority from the payment of sales and use taxes.

- **Authored By:** Rep. David Knight of the 126th

- **House Committee:** State Institutions & Property

- **A motion to agree represents final passage of this bill.**

HB 400 - Building Resourceful Individuals to Develop Georgia's Economy Act; enact

- **BILL SUMMARY:** This legislation is known as the "Building Resourceful Individuals to Develop Georgia's Economy Act". This Act develops programs to improve graduation rate; improves preparedness of students for postsecondary education and careers; provides for the development of focused programs of study; provide for model programs for students at risk of dropping out of high school; train school counselors and graduation coaches to provide for educational counseling and career awareness programs for students, establish a reform grant program, require local school systems which receive a reform grant to comply with certain requirements; provide for high school completion rate goals in the state accountability system; provide for rules and regulation; provide for exemptions from certain portions of the high school graduation test and end-of-year assessments.

20-2-325

This part shall be known as the "Building Resourceful Individuals to Develop Georgia's Economy Act"

20-2-326

Terms:

•Articulation: agreement between high school and postsecondary schools to award both credit for dual enrollment

•Career academy: specialized charter established by local board education, technical, & small learning community

•Choice Technical High School: prepare highs to postsecondary for career and operates as charter

•Chronically low-performing high: graduation rate is less than 60% for 3 consecutive yrs.

•Focused Program of Study: Academic courses & focus in math & science, humanities, fine arts, foreign language, career pathway courses for immediate employment

- Graduation Plan: necessary plan developed to transition to postsecondary education & work force
- Industry certification: programs meet industry standards
- Small Learning Community: small autonomous learning center w/in high school, greater personalization with learning, career readiness standards
- Technical school/college: any institution under Technical College System of Georgia

20-2-237

The Department of Education shall develop focused programs of study in high demand, high skill, and high wage academic and career fields in accordance with a phase-in schedule as determined by the state board. The focused programs of study may include:

- Aerospace
- Healthcare
- Agribusiness
- Life Science
- Energy & Environmental
- Logistics & Transportation
- Information & Technology
- Teacher Education Training
- Technology & Engineering
- Science & Mathematics
- Humanities & Fine Arts

The department shall include in the focused programs of study the flexibility for a student to pursue courses at the school of attendance, at a technical school, or college. For each focuses program of study identified, the department shall convene a committee which includes high school teachers; school counselors; representatives from the Board of Regents of the University System of Georgia, the Technical College System of Georgia, and employers; and other as deemed appropriate by the department. Student performance at the advanced proficiency/honors level on any assessments required for purposes of high school graduation shall be recognized as:

1. Meeting post secondary entrance test requirements

2. Qualifying students to enroll in credit-bearing postsecondary course work in accordance with policies and requirements established by the State Board of Education, the Board of Regents of the University System, and the State Board of Technical and Adult Education.

Secondary and Postsecondary credit shall be awarded immediately upon successful completion of any articulation or dual enrollment course in accordance with policies and requirements. Beginning with the 2009-2010 school year, students in the 6th, 7th, & 8th grades shall be provided counseling, advisement, career awareness, career interest inventories, and information to assist them in evaluating their academic skills and career interests. The Department of Education shall provide training for school counselors and graduation coaches about high demand, high skill, and high wage opportunities for bachelor's degrees, associate's degrees, and certificates, how a combination of rigorous academic and technical courses can prepare students for these fields, and how to organize a teacher adviser system that engages teachers in working with a core group of students and their parents or guardians in setting goals, identifying individual programs of study, and establishing individual graduation plans to achieve those goals. No later than July 1, 2011, the State Board of Education, in collaboration with the Technical College System of Georgia, shall establish a process for certifying all focused programs of study receiving state funds by using national certifying agencies where they exist and developing state industry-certifying panels in career pathways where no national certifying agency exists.

20-2-328

High Schools that receive a reform grant shall:

1. Provide focused programs of study which are designed to provide a well-rounded education for students by fostering artistic creativity, critical thinking, and self-discipline through the teaching of academic content, knowledge, and skills that students will use in the workplace, further education, and life.

2. Implement a teacher adviser system where an individual professional educator in the school assists a small group of students and their parents or guardians throughout the students' high school careers to set postsecondary goals and help them prepare programs of study, utilizing assessments and other data to track academic progress on a regular basis; communicates frequently with parents or guardians; and provides advisement, support, and encouragement as needed

3. Provide students in the ninth through twelfth grades information on educational programs offered in high school, in technical and community colleges, in colleges and universities, and through apprenticeship programs and how these programs can lead to a variety of career fields

4. Enroll students no later than tenth grade into one of the following options for earning a high school diploma and preparing students for postsecondary education and a career which will include a structured program of academic study with in-depth studies in:

- Mathematics and science;
- Humanities, fine arts, and foreign language; or
- A career pathway that leads to passing an employer certification exam in a high demand, high skill, or high wage career field or to an associate's degree or bachelor's degree.

5. Implement the at-risk model program developed by the State Board of Education
6. Comply with the rules and regulations promulgated by the State Board of Education for chronically low-performing high schools
7. Schedule annual conferences to assist parents or guardians and their children in setting educational and career goals and creating individual graduation plans beginning with students in the eighth grade and continuing through high school.

20-2-329

No later than July 1, 2010, the Office of Student Achievement shall include in the accountability system provided for in Part 3 of Article 2 of Chapter 14 of this title emphasis on improving student achievement and increasing high school graduation rates, with the goal of having all public high schools in Georgia reach at least a 90 percent high school completion rate, which shall include completion by the end of the summer following a student's senior year, by July 1, 2020, with annual incremental targets

20-2-329.1

An individual graduation plan shall be reviewed annually, and revised, if appropriate, upon approval by the student and the student's parent or guardian with guidance from the student's school counselor or teacher adviser.
An individual graduation plan may be changed at any time throughout a student's high school career upon approval by the student and the student's parent or guardian with guidance from the student's school counselor or teacher adviser.

20-2-329.2

The State Board of Education shall promulgate rules and regulations necessary to carry out the provisions.

- **Authored By:** Rep. Fran Millar of the 79th
- **House Committee:** Education
- **A motion to agree represents final passage of this bill.**

HB 486 - Superior Court Clerks' Retirement Fund of Georgia; not entitled credit for service after July 1, 2010; provisions

- **BILL SUMMARY:** This bill eliminates the 8 year credit for Deputy Clerk service for those who enter the Retirement Fund AFTER July 1, 2010. Allows for all elected to the Office of Superior Court Clerk to enter the Retirement Fund on an equal footing. bill also offers a one time \$5000.00 death benefit to the member's estate.
- **Fiscal Bill –** Although the First year cost is \$3,621, the employer contribution would not need to be raised because the fund is well-funded and the revenue from fines, fees, and bond forfeitures is sufficient to cover additional cost thus there is \$0 dollar impact on fund.
- **Authored By:** Rep. John Meadows of the 5th
- **House Committee:** Retirement
- **A motion to agree represents final passage of this bill.**

HB 516 - Industrialized buildings; comply with local ordinances and resolutions; provisions

- **BILL SUMMARY:** HB 516 seeks to invalidate any ordinance or regulation currently in effect or enacted by a local government that treats residential industrialized buildings, commonly known as "modular homes", any differently from buildings constructed on site. This bill also prohibits those areas of authority belonging to local governments shall not adopt any ordinance or resolution that has the effect, directly or indirectly, of prohibiting or discriminating against industrialized buildings in any area or zone where conventional site built buildings of the same use group are permitted. This bill further provides that the Safety Fire Commissioner shall promulgate safety standards, to provide for an inspection process and fees and to prohibit conflicting legislation by local jurisdictions for pre-owned manufactured homes and their inhabitants.
- **Authored By:** Rep. Jay Roberts of the 154th
- **House Committee:** Agriculture & Consumer Affairs
- **A motion to agree represents final passage of this bill.**

HB 788 - Animal protection; methods of euthanasia; provisions

- **BILL SUMMARY:** Prohibits animal shelters from utilizing gas chambers to euthanize cats and dogs, instead requiring lethal injection to be used as the method of euthanasia (the latter method currently already widely in use).
- **Authored By:** Rep. Tom Knox of the 24th
- **House Committee:** Science and Technology
- **A motion to agree represents final passage of this bill.**

HB 790 - Doraville, City of; municipal elections; provisions

- BILL SUMMARY: A Bill to provide for the election of the Mayor, the Mayor Pro-tem, the members of the City Council, and to provide for the powers, duties, and election of the Municipal Court Judge in the City of Doraville.

- **Authored By:** Rep. Jill Chambers of the 81st
- **House Committee:** Intragovernmental Coordination - Local
- **A motion to agree represents final passage of this bill.**

HB 827 - Highway employees; death or disability; indemnification; change provisions

- BILL SUMMARY: This bill would revise indemnification provisions of the Georgia State Indemnification Fund by increasing death or disability coverage amounts for state highway employees in the line of duty to match those of other public safety individuals.

This bill has a fiscal note. The impact is projected to be \$83,000 per year assuming one death and one partial permanent liability claim. Currently, the Georgia State Indemnification Fund has a balance of approximately \$3.4 million.

- **Authored By:** Rep. Chuck Sims of the 169th
- **House Committee:** Judiciary
- **A motion to agree represents final passage of this bill.**

HB 858 - County law libraries; payment of certain funds into county general fund; provisions

- BILL SUMMARY: This bill increases the county population (from 700,000 to 950,000) below which those counties are allowed to retain certain funds in the county law library fund for the purposes of supporting a law library rather than placing them in the general treasury.

- **Authored By:** Rep. Rich Golick of the 34th
- **House Committee:** Judiciary
- **A motion to agree represents final passage of this bill.**

HB 889 - Recognizance bonds; persons charged with certain crimes; limit

- BILL SUMMARY: This bill limits recognizance bonds for persons charged with certain crimes, defined as a 'bail restricted offense,' (including, by way of example, a serious violent felony as defined in 17-10-6.1, aggravated assault, felony pimping, felony DUI) and entering a pretrial release program, a pretrial release or diversion program, or a pretrial intervention and diversion program.

A judge, in his or her sound discretion and in appropriate cases, may still release a person on their own recognizance for one of the enumerated bail restricted offenses so long as it is not into one of the pretrial programs covered in the code section.

- **Authored By:** Rep. Len Walker of the 107th
- **House Committee:** Judiciary Non-Civil
- **A motion to agree represents final passage of this bill.**

HB 907 - Quality Basic Education Act; organization of schools, programs, and scheduling; revise certain provisions

- BILL SUMMARY: House Bill 907 is a bill relating to the "Quality Basic Education Act" and revising certain provisions of the middle school program. This bill will make it possible for middle school systems to receive money with any combination of grade levels for the housing of students. In current law, the school could only receive funds if it housed the middle school grades six, seven and eight together. Now it is up to the local system to decide how to organize the housing of the students. This bill also takes a look at the education schedule for the students. The local school board is still required to provide a minimum of 5 hours instructional classes but does not have to include remedial courses for those students who are not performing on grade level.

- **Authored By:** Rep. David Casas of the 103rd
- **House Committee:** Education
- **A motion to agree represents final passage of this bill.**

HB 923 - Quality Basic Education Act; salary schedules for certificated personnel; revise provisions

- BILL SUMMARY: House Bill 923 deals with certified personnel being placed on the state salary schedule based on their leadership degree but is not in a leadership position. This does not apply to an educator who possessed a leadership degree prior to July 1st 2013, as long as they were enrolled in an educator leadership preparation program on or before April 1st 2009.

- **Authored By:** Rep. Jay Neal of the 1st
- **House Committee:** Education
- **A motion to agree represents final passage of this bill.**

HB 936 - Student transportation; allowance to refurbish existing school buses; provide

- BILL SUMMARY: House Bill 936 relates to the funds used on refurbishing school buses. In past code they were not allowed to use the money for school buses to refurbish them, the money could only be used to buy new ones or replace old ones. This bill will make it possible for the State Board of Education to use these funds to refurbish buses in need of work. All buses that are refurbished will still be subject to all safety and maintenance inspections, the refurbishment must be completed by the a school bus manufacturer of by a dealer of such manufacturer.

- **Authored By:** Rep. Paul Battles of the 15th

- **House Committee:** Education

- **A motion to agree represents final passage of this bill.**

HB 991 - Sales and use tax; county and municipal; distribution of proceeds; revise

- BILL SUMMARY: Changes provisions applicable to the renegotiations of distribution of joint county and municipal sales tax collections. Currently, should an agreement not be reached by the second year following a decennial census, the distribution certificate expires and the local governing authorities do not receive the tax proceeds until the distribution certificate is renegotiated.

Provides for judicial proceedings should the parties involved not be able to reach an agreement after sixty days of non-binding arbitration or mediation. After sixty days, any party may file a petition in superior court of the county seeking resolution of the dispute. The petition will be assigned to a judge who is not a judge in the circuit in which the county is located. The judge's decision as to the allocation of tax proceeds shall adopt the best and final offer of one of the parties and shall also include findings of fact. The judge enters a final order which contains a new distribution certificate, and appeals will be allowed only for the judge's disregard of the law, for partiality of the judges, or for corruption, fraud, or misconduct by the judge or a party.

- **Authored By:** Rep. Wendell Willard of the 49th

- **House Committee:** Ways & Means

- **A motion to agree as amended sent this bill back to the Senate for consideration. The Senate receded from its position, so this bill received Final Passage.**

HB 1002 - Crimes and offenses; crimes against judges and court personnel; increase punishment

- BILL SUMMARY: This bill provides for enhanced penalties against those who commit aggravated assault against judges, attorneys, clerks of court, deputy clerks of court, court reporters, and probation officers while they are performing their official duties.

- **Authored By:** Rep. Wendell Willard of the 49th

- **House Committee:** Judiciary Non-Civil

- **A motion to agree represents final passage of this bill.**

HB 1005 - Special license plates; Zoo Atlanta; provide

- BILL SUMMARY: HB 1005 creates specialty license plates to benefit Zoo Atlanta and Alpha Kappa Alpha Sorority Inc.

- **Authored By:** Rep. Katie M. Dempsey of the 13th

- **House Committee:** Motor Vehicles

- **A motion to agree represents final passage of this bill.**

HB 1012 - Special license plates; service members killed in action; expand definition

- BILL SUMMARY: HB 1012 expands the provisions of the Gold Star specialty license plate. Currently, only the spouse, mother, or father of a fallen service member may apply for the Gold Star plate. Under HB 1012, siblings and step-parents will also be able to obtain this plate. However, the plates will not be free for siblings or step-parents.

- **Authored By:** Rep. Billy Horne of the 71st

- **House Committee:** Motor Vehicles

- **A motion to agree as amended by the House sent this bill back to the Senate for consideration. The Senate agreed to the House amendment so this bill received Final Passage.**

HB 1013 - Sales tax; educational purposes; change provisions

- BILL SUMMARY: House Bill 1013 requires school boards to publish an annual summary of their sales tax for education (ESPLOST) program finances in a newspaper of general circulation within the local government boundaries. The publication must show, for each project, the original estimated cost, the current estimated cost, amounts expended in prior year, and amounts expended in the current year. This is the same requirement imposed on counties and cities that have a special purpose local option sales tax (SPLOST). This is intended to provide transparency in the use of taxpayer money and ensures school systems are held to the same standards as counties and cities.

- **Authored By:** Rep. Doug Holt of the 112th

- **House Committee:** Ways & Means

- **A motion to agree represents final passage of this bill.**

HB 1050 - Real estate appraisers; appraisal management companies; add regulations

- BILL SUMMARY: This bill requires the Real Estate Appraisal Management Companies to register with the Georgia Real Estate Appraisers Board. It further establishes certain standards and requirements for the registration and operation of such appraisal management companies and authorizes the Board to regulate such companies. This bill also outlines prohibited activities and authorizes the Board to take disciplinary actions against companies that violate such provisions.

- **Authored By:** Rep. Tommy Benton of the 31st

- **House Committee:** Regulated Industries

- **A motion to agree represents final passage of this bill.**

HB 1053 - Solicitors-general; act during pendency of vacancy in office; provide

- BILL SUMMARY: This bill fills a hole in the Georgia Code. It addresses how a vacancy in the office of solicitor-general of the state court (other than due to expiration of the term of office) is filled prior to the Governor making an appointment. Senate Committee Changes:

- The board of commissioners or the sole commissioner shall appoint the acting solicitor-general when there is no assistant solicitor-general available. (The House version stated the judge of the probate court would make the appointment)

- **Authored By:** Rep. John Lunsford of the 110th

- **House Committee:** Judiciary

- **A motion to agree as amended by the House sent this bill back to the Senate for consideration. The Senate did not take further action, so this bill did NOT receive Final Passage.**

HB 1059 - Solid waste management; permits for handling, disposal, or treatment; change provisions

- BILL SUMMARY: HB 1059 will allow for a minor permit modification for existing municipal solid waste disposal facilities for materials consisting of concrete, asphalt, cardboard, or yard trimmings or similar wood wastes diverted from the waste stream for the recycling or other beneficial reuse of such materials. A 30 day notice to the chief elected official of the jurisdiction is required before starting any recycling operation for materials consisting of concrete, asphalt, cardboard, or yard trimmings or similar wood wastes.

- **Authored By:** Rep. Randy Nix of the 69th

- **House Committee:** Agriculture & Consumer Affairs

- **A motion to agree as amended by the House sent this bill back to the Senate for consideration. The Senate agreed to the House amendment so this bill received Final Passage.**

HB 1079 - Teacher certification; additional payment methods; authorize

- BILL SUMMARY: House Bill 1079 amends Code Section 20-2-200 relating to the payment methods for teachers to pay certifications fees to the Professional Standards Commission. In the past, teachers were only allowed to pay with check or money order but now will be allowed to use credit or debit cards as well.

- **Authored By:** Rep. Tom Dickson of the 6th

- **House Committee:** Education

- **A motion to agree represents final passage of this bill.**

HB 1103 - Education; Professional Standards Commission; criminal background checks; provisions

- BILL SUMMARY: This bill became a replacement bill by the Senate. The new language provides for reporting by local boards of education regarding expulsion and disciplinary actions for students bringing weapons to school

- **Authored By:** Rep. Howard Maxwell of the 17th

- **House Committee:** Education

- **A motion to agree as amended by the House sent this bill back to the Senate for consideration. The Senate did NOT take up the bill again, so it did NOT receive Final Passage.**

HB 1147 - Special liens on personalty; eliminate aircraft liens; provisions

- BILL SUMMARY: The bill deals with aviation liens. There was preemption at the federal level (with respect to recordation of the interest in the aircraft or aircraft engines) and the current Georgia Code does not align with federal law. This bill is to modify the language in the Georgia Code to recognize the federal preemption and to clear up any confusion that may be present with regard to how aviation liens should be perfected.

- **Authored By:** Rep. David Knight of the 126th

- **House Committee:** Judiciary

- **A motion to agree represents final passage of this bill.**

HB 1231 - Uniform rules of the road; proper execution of a left turn; clarify

- BILL SUMMARY: HB 1231 addresses vagueness within the "Uniform Rules of the Road" dealing with left hand turns. Specifically, it requires when turning left and exiting an intersection you must maintain your lane position as you enter the new road.

*The Senate Public Safety Committee added two amendments. Both amend Code Section 40-6-395. The first change comes from SB 2 and changes from 30 miles per hour to 20 miles per hour, the speed above the speed limit a driver can exceed while attempting to elude an officer and it be a felony. The second change creates a separate felony charge for those attempting to elude an officer and being found to be DUI.

- **Authored By:** Rep. Bobby C Reese of the 98th

- **House Committee:** Motor Vehicles

- ***A motion to agree represents final passage of this bill.***

HB 1236 - Court reports; reduce number of reports to distribute; change provisions

- BILL SUMMARY: This bill reduces the number of court reports that the reporter is required to distribute in hard copy to various departments, courts, etc. throughout the state.

- **Authored By:** Rep. Wendell Willard of the 49th

- **House Committee:** Judiciary

- ***A motion to agree represents final passage of this bill.***

HB 1268 - Insurance; time periods and eligibility for continuation coverage; revise

- BILL SUMMARY: HB 1268 extends the time period for continuation coverage (COBRA) under certain group accident and sickness insurance plans for 15 months. This is done in conjunction with a federal act whereby a subsidy of 65% of the premium cost will be paid by the federal government.

This will allow Georgians involuntarily terminated from a small business employer access to federal stimulus dollars to help pay their families health insurance.

- **Authored By:** Rep. Tom Knox of the 24th

- **House Committee:** Insurance

- ***A motion to agree as amended and the Senate's agreement to this amendment represents final passage of this bill.***

HB 1272 - Income tax returns; make contributions for lupus and kidney disease; authorize

- BILL SUMMARY: HB 1272 provides a mechanism for taxpayers to contribute to a Lupus and Kidney Disease Research Program Fund on their individual income tax returns by reducing all or a part of their tax refund due. The Department of Revenue will transmit the funds contributed to the Department of Community Health for deposit into the fund, and may withhold a reasonable amount for administration costs, up to \$50,000. All balances in this fund must be deposited into an interest-bearing account, and such funds shall be expended by DCH through contracts for multiple sclerosis research. DCH must annually prepare by February 1, an accounting of funds received and expended and a review and evaluation of all expended funds. This report will be made available to the Governor, the Lieutenant Governor, the Speaker, the members of the Board of Human Services, and if requested, to members of the public.

- **Authored By:** Rep. Toney Collins of the 95th

- **House Committee:** Ways & Means

- ***A motion to agree represents final passage of this bill.***

HB 1321 - Emergency Telephone System Fund; additional use for moneys; provide

- BILL SUMMARY: This bill authorizes a county that has a fully enhanced 911 system and has fully funded its 911 operations from the \$1.50, 911 fee to use any remaining fee revenue to upgrade their public radio system. The term fully enhanced relates to systems that are able to identify the exact location of all wireless and landline carriers.

- **Authored By:** Rep. Ben Harbin of the 118th

- **House Committee:** Appropriations

- ***A motion to agree as amended and the Senate's agreement to this amendment represents final passage of this bill.***

HB 1322 - Public disclosure exemption; certain graphic image photographs; provisions

- BILL SUMMARY: HB 1322 provides that certain photographs fewer than five years old which are in the custody of a law enforcement agency which show graphic images of the sexual organs or the dismemberment of the dead body of a crime victim whose identity is known shall not be subject to public disclosure. This bill will become effective upon signature of the Governor.

- **Authored By:** Rep. Jill Chambers of the 81st

- **House Committee:** Governmental Affairs

- ***A motion to agree as amended and the Senate's agreement to this amendment represents final passage of this bill.***

HB 1393 - Sales and use tax; cap exemption; metropolitan public transportation purposes; provide

- BILL SUMMARY: HB 1393 excludes 1% local sales taxes levied in counties for MARTA after January 1, 2010 from the 2% cap on local sales taxes. This will allow Clayton County to hold a local referendum to decide whether to levy this local sales tax. Excluded from the new levy will be sales of motor vehicles and sales of jet fuel to qualifying airlines at the Atlanta airport.
- **Authored By:** Rep. Roberta Abdul-Salaam of the 74th
- **House Committee:** Ways & Means
- ***A motion to agree represents final passage of this bill.***

HB 1490 - Cedartown, City of; levy excise tax; authorize

- BILL SUMMARY: A Bill to authorize the City of Cedartown to levy a hotel/motel tax.
- **Authored By:** Rep. Rick Crawford of the 16th
- **House Committee:** Intragovernmental Coordination - Local
- ***A motion to agree represents final passage of this bill.***

HB 1505 - Waco, City of; provide new charter

- BILL SUMMARY: A Bill to provide a new charter for the City of Waco.
- **Authored By:** Rep. Mark Butler of the 18th
- **House Committee:** Intragovernmental Coordination - Local
- ***A motion to agree represents final passage of this bill.***

HR 136 - Owners of real property; industrial areas; remove property - CA

- BILL SUMMARY: This Resolution is an amendment to the Constitution to allow owners of real property located in the industrial area in Chatham County (near Garden City) to remove the property from the industrial area. This will then allow the property to be annexed by the local municipality so that city services can continue to be provided. This restriction from annexation can only be removed by general amendment to the Constitution.
- **Authored By:** Rep. Bob Bryant of the 160th
- **House Committee:** Judiciary
- ***A motion to agree represents final passage of this bill.***

HR 1513 - Little's Ferry/George F. Green Memorial Bridge; Hancock and Putnam Counties; dedicate

- BILL SUMMARY: This resolution dedicates the bridge over the Oconee River on Georgia Highway 16 connecting Hancock and Putnam Counties as the Little's Ferry/George F. Green Memorial Bridge. Other resolutions included in this package name roads and bridges around the state.
- **Authored By:** Rep. Sistie Hudson of the 124th
- **House Committee:** Transportation
- ***A motion to agree represents final passage of this bill.***

SB 131 - The Revised Georgia Trust Code of 2009; comprehensively revise provisions relating to trusts

- BILL SUMMARY: - Title 53, Chapters 12 - 15, relating to trusts, charitable trusts, trustees, and trust instruments are repealed and replaced with the language contained in the bill.
- The revisions to the Georgia Trust Code contained in this bill use the National Conference on Commissioners on Uniform State Laws 2005 Uniform Trust Code (UTC) revisions as the basis for the modifications. The UTC has been modified to avoid conflicts with existing and remaining OCGA sections relating to wills, trusts, and estates.
- The bill was drafted in cooperation with the Fiduciary Law Section of the State Bar of Georgia and extensive discussions were held before the final version of the bill was produced.
- Code Section 7-1-242 of OCGA, relating to restrictions on corporate fiduciaries, is amended to add nonprofit corporations to the list of entities that may lawfully act as a fiduciary.
- **Authored By:** Sen. Bill Hamrick of the 30th
- **House Committee:** Judiciary
- ***A motion to agree represents final passage of this bill.***

SB 148 - Georgia Occupational Regulation Review Law; review of existing regulatory entities to determine the need for change to current reg.

- BILL SUMMARY: This bill authorizes the Georgia Occupational Regulation Review Council to conduct periodic reviews of each existing regulatory entity to determine applicability and necessity of such entity's authority. It also requires the Council to follow such review with a report to the Georgia General Assembly recommending the changes it deems necessary. Upon evaluation of the Council's report and consideration of governmental and societal costs and benefits, the Georgia General Assembly will make the choice to keep, amend or repeal the regulation of a regulatory agency in

question. In addition, this bill establishes a Georgia Government Accountability Act which provides a method that can be used to review and evaluate the efficiency and productivity of state agencies. It further requires the Legislative Sunset Committee, comprised of the Senate and House appropriations committees, to conduct such reviews and recommend keeping, reorganizing or abolishing such agencies to the General Assembly.

Floor Amendment (AM 25 1222) 04/27/10

This amendment exempts certain agricultural commissions and organizations from some provisions of this bill.

- **Authored By:** Sen. David Shafer of the 48th
- **House Committee:** Regulated Industries
- **A motion to agree represents final passage of this bill.**

SB 237 - Commerce/Trade; prohibit pricing practices during an abnormal market disruption; petroleum products; define terms

- BILL SUMMARY: SB 237 will require the Governor to specify what goods and services cannot increase their prices during a state of emergency. Currently, all previously listed goods and services are automatically frozen, even if they are not directly affected by the state of emergency.

- **Authored By:** Sen. Jeff Mullis of the 53rd
- **House Committee:** Agriculture & Consumer Affairs
- **A motion to agree represents final passage of this bill.**

SB 239 - Education; mandatory attendance; provisions; require new residents in a local school system to enroll a child within 30 days

- BILL SUMMARY: Senate Bill 239 relates to attendance and enrollment policies within schools systems for youth between the ages of six and sixteen. Parents or guardians are allotted a 30 day grace period to enroll students into a school once they have moved into a new district. If a parent or guardian causes a child to accumulate 5 or more days of unexcused absences or any similar attendance policy violations, they will be held responsible. Such parents or guardians could be guilty of a misdemeanor, subject to monetary fines, imprisonment not to exceed 30 days, community service or any combination of.

- **Authored By:** Sen. Ronald B. Ramsey, Sr. of the 43rd
- **House Committee:** Education
- **A motion to agree represents final passage of this bill.**

SB 305 - Transportation Department; design-build method; increase the percentage of projects contracted

- BILL SUMMARY: This legislation amends Georgia Code so that in contracting for design-build contracts, the Department of Transportation is limited to contracting for no more than 30% of the total amount of construction projects awarded in the previous fiscal year. Current law provides for no more than 15%.

- **Authored By:** Sen. Jeff Mullis of the 53rd
- **House Committee:** Transportation
- **A motion to agree represents final passage of this bill.**

SB 346 - Ad Valorem Taxes; revise comprehensive provisions

- BILL SUMMARY: SB 346 provides for comprehensive changes to the property tax code. It provides that notices of property value assessments will be sent out by the board of assessors annually, rather than only in years when the value is changed. This will ensure every property owner has a right to appeal their valuation every year. It also provides for a state-wide uniform assessment notice to be established by the commissioner of the Department of Revenue. This notice must contain an estimate of current year's taxes which will use the current assessment and the previous year's millage rate.

The bill also provides for a new appeal process for non-homestead properties valued at \$1 million or more. Appeals on these properties may be made to a hearing officer which will be a certified appraiser. Just as with appeals to the board of equalization, decisions of the hearing officers may be appealed to the superior court. The bill provides for oversight of the boards of equalization and the hearing officers by the clerk of the superior court. The bill also provides that the transaction amount of an arms length, bona fide sale shall be the maximum fair market value for tax purposes in the next taxable year following the sale. "Arms length, bona fide sale" is defined in the bill as a transaction between unaffiliated parties.

- **Authored By:** Sen. Chip Rogers of the 21st
- **House Committee:** Ways & Means
- **A motion to agree represents final passage of this bill.**

SB 374 - Legislative Economic Development Council; create

- BILL SUMMARY: This bill creates the Legislative Economic Development Council to be co-chaired by the Lieutenant Governor and the Speaker of the House of Representatives. The Council will serve the purpose of evaluating the state's overall economic development strategy as well as reviewing all state funded activities and expenditures that go into implementing such strategy. This bill further outlines the composition of the Council as well as the Council's powers and duties. It also requires the Department of Economic Development to prepare a yearly report for submission to the members of the Council and the Governor, detailing the state's programs and activities related to job creation and economic development in Georgia.

Hugley Amendment codifies into law, the MLK Commission which is responsible for a variety of functions serving to strengthen and improve race relations in Georgia. Currently, this Commission was created through an executive order of the Governor.

- **Authored By:** Sen. Chip Pearson of the 51st
- **House Committee:** Economic Development & Tourism
- ***A motion to agree represents final passage of this bill.***

SB 480 - State Council of Economic Advisors; creation; provide composition, duties, and responsibilities

- BILL SUMMARY: This legislation calls for the creation of the State Council of Economic Advisors. The Council will consist of five members, three of which will be appointed by the Governor, one by the Speaker of the House and one by the President of the Senate. Each member must either be an economist or have expertise in Georgia state revenues. The council will be charged with determining the amount of unappropriated surplus expected to have accrued in the state treasury and anticipated revenue collections for the next fiscal year. The Governor is authorized to reduce these estimates after they've been submitted, but cannot increase figures without the agreement of the council.

- **Authored By:** Sen. Jack Hill of the 4th
- **House Committee:** Budget and Fiscal Affairs Oversight
- ***A motion to agree represents final passage of this bill.***

SB 519 - Motor Vehicles; motorized cart; modify definition; change hours of operation; provide local governments decide operators be licensed

- BILL SUMMARY: Amends Georgia code (40-1-1) relating to motorized carts. This bill states that carts may be operated on streets a half hour before sunrise and a half hour after sunset unless the local government or commissioner of public safety says the carts may be operated during the hours between sunset and sunrise. If the carts are allowed to operate during said hours they must have two headlights, two tail lamps, two brake lights, four turn signal lamps (two in front, two in rear), a center high mount stop lamp (CHMSL), and a windshield.

AM 34-0445 - This amendment amends Code section 40-6-184 to provide a minimum fine for drivers who impede the flow of traffic by driving too slow except when reduced speed is necessary for safe operation. The fine for a conviction of violating this Code section will be at least \$75.00 in addition to any other punishment authorized by law.

- **Authored By:** Sen. Jeff Mullis of the 53rd
- **House Committee:** Transportation
- ***A motion to agree represents final passage of this bill.***

SB 520 - Transportation Dept.; provide for an Intermodal Division within the department

- BILL SUMMARY: Code Section 32-2-41 of the Official Code of Georgia Annotated is revised by revising paragraph (5) subsection (b) by adding an Intermodal Division to be supervised by an appointee serving at the pleasure of the commissioner to the Department of Transportation.

- **Authored By:** Sen. Jeff Mullis of the 53rd
- **House Committee:** Transportation
- ***A motion to agree represents final passage of this bill.***

MOTIONS TO DISAGREE

HB 335 - Revenue and taxation; comprehensive revision of provisions; provide

- BILL SUMMARY: HB 335 is titled the "Improved Taxpayer Customer Service Act of 2009."

The bill provides that subpoenas and summons of garnishment may be served by registered or certified mail or statutory overnight delivery, return receipt requested. Currently personal service is required. If the person refuses to accept service by mail, other lawful service may be used, and the person shall be liable for the costs incurred for service.

The bill allows the taxpayer with a sales tax refund claim to file a protest within 30 days of the date of notice of denial of the refund claim denial and to request a conference. Currently, they must request a protest hearing at the time their refund claim is filed and if they do not, their only remedy is suit in Superior Court.

The bill allows taxpayers seeking refunds for erroneous or illegally collected sales taxes to obtain refunds directly from

dealers without involving the Department of Revenue. If they are unable to obtain a refund from the dealer they may file a claim for refund with the commissioner. Alternatively, the taxpayer may initially file the claim for refund with the commissioner.

The bill also allows for electronic filing of income tax returns for those taxpayers that are claiming the income tax credit for contributions to student scholarship organizations. Currently they cannot file electronically because they cannot electronically attach the confirmation form that is required to be filed with the return. Under this bill, if the IRS does not have the capability to allow for attachment of these forms, then the taxpayer must retain the confirmation forms and make them available upon request by the commissioner.

- **Authored By:** Rep. David Knight of the 126th

- **House Committee:** Ways & Means

- ***A motion to disagree sends this bill back to the Senate for consideration.***

HB 406 - Service delivery strategies; certain drinking water projects; funding limitation; provide exemption

- **BILL SUMMARY:** HB 406 amends the Service Delivery law to make it possible for an applicant who is ready to go forward with a new water supply reservoir, to do so. The applicant will be able to receive a state loan, grant, or permit for the reservoir, even if it is not consistent with an existing service delivery agreement.

The Senate Natural Resources Committee substitute to HB 406 added two amendments to the as passed house version. The first amendment limited the geographical area a new reservoir can service with potable water to an area coterminous with the local governments jurisdictional limits. The second amendment would make the bill apply only to reservoir projects that have filed a permit application with the Army Corps of Engineers prior to December 31, 2009.

- **Authored By:** Rep. Mike Coan of the 101st

- **House Committee:** Governmental Affairs

- ***A motion to disagree sends this bill back to the Senate for consideration.***

HB 982 - Revenue and taxation; administrative garnishment; comprehensive revisions

- **BILL SUMMARY:** This bill provides for an administrative garnishment process. Using the current cumbersome judicial process to garnish, the Department of Revenue is only able to pursue about 240 garnishments annually because of the revenue agent resources required in the service and subsequent handling of the garnishments, and monetary costs in court filing fees, etc., even if there are no objections by either the delinquent taxpayer or the garnishee. This means thousands of delinquent accounts are uncollected even though the delinquent taxpayers may have property or income that could satisfy the debt. This bill creates an administrative garnishment process. DOR must send a billing notice to the delinquent taxpayer within 6 months, no less than 30 days, before applying administrative garnishment so that the taxpayer has a chance to satisfy the liability and received notice of possible collection action by DOR. DOR would have to wait at least 30 more days before beginning the administrative garnishment process. Once notified, the taxpayer has 15 days to decide whether to appeal to Superior Court, make an administrative appeal to the Department, or allow the garnishment to go forward. Upon DOR's final determination, the taxpayer has 30 days to appeal to Superior Court. A delinquent taxpayer (one that has exhausted its appeal rights) would have two opportunities to put the administrative garnishment process back into Superior Court.

- **Authored By:** Rep. Larry O'Neal of the 146th

- **House Committee:** Ways & Means

- ***A motion to disagree sends this bill back to the Senate for consideration.***

HB 1069 - Income tax; credits for equipment that reduces energy or water usage; provide

- **BILL SUMMARY:** HB 1069 provides for an income tax credit for taxpayers that purchase certain energy or water efficient equipment as part of new construction or for retrofit in the year the equipment is placed in service. The amount of the credit is 25% of the cost of the equipment or \$2,500, whichever is less. Eligible equipment includes energy and water efficient equipment certified by the commissioner of natural resources as effective in reducing business or domestic energy or water usage. Tax credits allowed shall not exceed a taxpayers' income tax liability, and unused credits may be carried forward for five years. The aggregate amount of the tax credits that shall be allowed is limited to the amount of federal funds granted to Georgia for this purpose, and these credits will only be granted in years such federal funds are granted. After purchase of the equipment, the taxpayer must submit an application to the Dept. of Revenue for approval of the credit, and the credits will be allowed on a first come, first served basis.

- **Authored By:** Rep. Joe Wilkinson of the 52nd

- **House Committee:** Ways & Means

- ***A motion to disagree sends this bill back to the Senate for consideration.***

HB 1195 - Labor and industrial relations; Georgia Workforce Investment Board; create

- BILL SUMMARY: HB 1195 codifies the Georgia Workforce Investment Board that was created by a 2206 Executive Order, as well as providing for the membership of said board, its powers, functions and funding. Further, it establishes the Governor's Office of Workforce Development and Georgia Work Ready. This bill shall become effective upon its approval by the Governor or upon its becoming law without such approval.

All funding is federal. No state dollars will be spent.

- **Authored By:** Rep. Terry England of the 108th

- **House Committee:** Industrial Relations

- **A motion to disagree sends this bill back to the Senate for consideration.**

SB 488 - Georgia Foreign Money Judgements Recognition Act; not recognize foreign judgments in defamation actions

- BILL SUMMARY: Section 1:

This section of the bill defines the term 'crime' as used in Code section 9-3-99, relating to tolling of limitations for tort actions while criminal prosecution is pending, as:

- A felony

- Any violation of Article 15 of Chapter 6 of Title 40 (these are serious traffic offenses)

- A misdemeanor violation that results in another person's death or bodily harm that results in loss of member, rendering a member useless, seriously disfiguring the body or a member thereof, or causes organic brain damage rendering the body or a member thereof useless

The definition of 'crime' included in this bill is partly a result of the Supreme Court of Georgia decision in *Beneke v. Parker*.

The bill also clarifies that the statute of limitations is tolled for any party against whom an action may be brought.

Section 2:

This section of the bill amends the "Georgia Foreign Money Judgments Recognition Act" so as not to recognize foreign judgments in defamation or injury to reputation actions unless the jurisdiction's laws provide sufficiently similar constitutional protections as provided by the United States Constitution and the Georgia Constitution.

- **Authored By:** Sen. Bill Cowsert of the 46th

- **House Committee:** Judiciary

- **A motion to disagree sends this bill back to the Senate for consideration.**

RULES CALENDAR

SB 299 - Juvenile Proceedings; zero tolerance policy on weapons in schools; change provisions

- BILL SUMMARY: This bill changes provisions regarding the zero tolerance policy on weapons in schools, but only for cases involving children. Currently, school administrators are not given the opportunity to use any discretion in applying the policy. This bill will provide needed flexibility.

- **Authored By:** Sen. Emanuel Jones of the 10th

- **House Committee:** Judiciary Non-Civil

- **Rule:** Modified-Structured

- **Yeas:** 156; **Nays:** 0

SB 308 - Firearms; carrying and possession; change provisions; definitions

- BILL SUMMARY: This bill clarifies Georgia law regarding where a person who has a license to carry a weapon may or may not do so.

Section 1-1 provides definitions for the following terms as used in Code section 16-11-127: handgun, knife, license holder, long gun, weapon, and weapons carry license.

The bill maintains current law regarding persons having weapons on their own property, the manner of carrying openly, and reciprocity with other states.

The bill removes current language which prohibits persons from carrying weapons to "public gatherings" and provides that persons may not carry in: houses of worship, courthouses, jails or prisons, government buildings, state mental health facilities, bars, unless specifically permitted by the owner, or within 150 feet of a polling place. The bill also provides that it is not prohibited for a licensed person to have a weapon locked in a vehicle at those aforementioned location's parking facilities.

The bill provides that private property owners have the authority to determine whether persons shall have the right to carry on his or her property.

The bill maintains current provisions prohibiting weapons in schools, including colleges and universities, but removes the 1,000 foot "gun free school zone" provision.

Persons prohibited from receiving or retaining a license include those who are less than 21 years old, are prohibited under federal law, have a felony conviction, or have been convicted of specific misdemeanors.

Probate courts have five rather than three days to take certain administrative steps in the application process.

The state will have the authority to require licenses have covert and overt security features, such as holographic imaging and photographs of licensees, effective January 1, 2012. The fee for a license is increased to \$30.00. It will be an offense to possess a counterfeit license with intent to represent the information.

If a person takes legal action to challenge a rejected application, the applicant may sue for reasonable attorney fees. The new language provides the fees are only available upon showing the denial lacked substantial justification.

- **Authored By:** Sen. Mitch Seabaugh of the 28th
- **House Committee:** Judiciary Non-Civil
- **Rule:** Modified-Structured
- **Yeas:** 118; **Nays:** 48

SB 313 - Grand Juries; oath shall be given to all witnesses; to provide that an unsworn testimony shall be disallowed

- BILL SUMMARY: This bill clarifies that 'all' witnesses before the grand jury shall be administered an oath before testifying.

- **Authored By:** Sen. Ed Harbison of the 15th
- **House Committee:** Judiciary
- **Rule:** Modified-Open
- **Yeas:** 153; **Nays:** 0

SB 339 - Contractors; allow utility contractors to bid upon/perform work on any utility system in this state

- BILL SUMMARY: This bill allows GA licensed utility contractors to bid for and perform work on utility systems in this state without obtaining a license under Chapter 41 of Title 43 relating to licensing of residential and general contractors. This bill also prohibits refusing such a licensed utility contractor's bid on the grounds of lacking a license under Chapter 41.

- **Authored By:** Sen. Mitch Seabaugh of the 28th
- **House Committee:** Regulated Industries
- **Rule:** Modified-Structured
- **Yeas:** 162; **Nays:** 0

SB 415 - Public Utilities; provide regulation of private emergency warning point to multipoint systems by Public Service Commission

- BILL SUMMARY: This bill adds a definition for "Emergency warning point to multipoint system" and requires the Public Service Commission to ensure that a management audit of each such system provider is performed at least once every five years in order to determine whether it is being managed in an efficient and effective manner. It further establishes the procedure for the selection of a management auditor and requires the audited EWPTM system provider to pay for such audit. Additionally, it waives the liability of political subdivisions and state departments for failure to deliver information over an EWPTM system, with the exception of some circumstances. This bill also places such systems under the jurisdiction of the Public Service Commission and allows the commission to determine reasonable rates for the services.

- **Authored By:** Sen. Jeff Mullis of the 53rd
- **House Committee:** Regulated Industries
- **Rule:** Modified-Structured
- **Yeas:** 157; **Nays:** 1

SB 418 - Controlled Substance; establishment of a program; monitoring of prescribing/dispensing Schedule II, III, IV, or V

- BILL SUMMARY: This legislation establishes a program for monitoring prescribed and dispensed all Schedule II and certain other controlled substances. The Georgia Drugs and Narcotics Agency would be authorized to monitor prescriptions and promulgate rules and regulations in compliance with the proposed law.

Dispensers of Schedule II and certain other controlled substance will be required to submit specific information regarding

the drug dispensed, the prescriber, and the patient to the database. Exemptions are provided for in-patient hospitals and pharmacies that are contracted with the state for specific services.

“Dispenser” is a defined term in the bill, and includes anyone who delivers the drug to the ultimate user, but does not include a licensed hospital pharmacy, a practitioner or other authorized person who administers the drug or a wholesale distributor of the drug.

The required information must be submitted electronically. Those dispensers who cannot submit the information electronically may apply for a waiver to send the information via paper. The information must be submitted within 96 hours of filling the prescription.

Penalties for improper disclosure of any information contained within the database for any one who has access to the system. As well as penalties are established for any one who falsely tries to access the system or obtains any information through false pretenses.

In addition, the Electronic Database Review Advisory Committee is created to oversee the implementation of this legislation. The bill also provides for penalties for persons who do not follow the act.

- **Authored By:** Sen. Earl "Buddy" Carter of the 1st
- **House Committee:** Health & Human Services
- **Rule:** Modified-Open
- **Yeas:** 141; **Nays:** 17

SB 419 - Drivers' License; provide for notation; post traumatic stress disorder; members of armed services/veterans

- BILL SUMMARY: SB 419 provides that members of the armed services and veterans who have been diagnosed with post traumatic stress disorder may request to have a notation of such diagnosis placed on his or her driver's license. Such applicant shall present the department with a sworn statement from a person licensed to practice medicine or psychology in this state verifying such diagnosis.

Finally, it provides that any person convicted of a felony offense shall have such conviction demarcated on his or her driver's license for the length of his or her sentence.

- **Authored By:** Sen. Ronald B. Ramsey, Sr. of the 43rd
- **House Committee:** Motor Vehicles
- **Rule:** Modified-Structured
- **Yeas:** 158; **Nays:** 1

SB 520 - Transportation Dept.; provide for an Intermodal Division within the department

- BILL SUMMARY: Code Section 32-2-41 of the Official Code of Georgia Annotated is revised by revising paragraph (5) subsection (b) by adding an Intermodal Division to be supervised by an appointee serving at the pleasure of the commissioner to the Department of Transportation.

- **Authored By:** Sen. Jeff Mullis of the 53rd
- **House Committee:** Transportation
- **Rule:** Modified-Structured
- **Amendments(s):** AM 34 0447: Rep. Roberts - Adopted
- **Yeas:** 144; **Nays:** 3

SR 277 - Georgia Trauma Trust Fund; impose a charge on certain motor vehicle registrations; transferred to state treasury for purpose of funding-CA

- BILL SUMMARY: Senate Resolution 277 proposes to amend the constitution to provide a dedicated source of revenue for trauma funding. It provides for an annual \$10 fee on all passenger vehicles (motor vehicles designed to carry 10 or fewer passengers) registered in this state. This fee will be collected at the same time and in the same manner as other license tag and registration fees required by law and shall be collected prior to the issuance of a license plate or revalidation decal. This trauma charge will not apply to vehicles owned by the state or its departments, agencies, or authorities or by any political subdivision of the state. Proceeds of this fee will be deposited monthly into the Georgia Trauma Trust Fund.

- **Authored By:** Sen. Greg Goggans of the 7th
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 149; **Nays:** 14

LOCAL CALENDAR

SB 533 - Lilburn, City of; change the corporate limits of the city

- BILL SUMMARY: A Bill to change the corporate limits of the City of Lilburn.
- **Authored By:** Sen. Steve Henson of the 41st
- **House Committee:** Intragovernmental Coordination - Local
- **Yeas:** 126; **Nays:** 0

SB 539 - McPherson Implementing Local Redevelopment Authority; modify certain provisions; membership; community representation

- BILL SUMMARY: A Bill to establish the composition and terms of office of the McPherson Implementing Local Redevelopment Authority and to provide for vacancies and duties.
- **Authored By:** Sen. Vincent Fort of the 39th
- **House Committee:** Intragovernmental Coordination - Local
- **Yeas:** 126; **Nays:** 0

SB 542 - Griffin Judicial Circuit; not decrease the county supplements for the superior court judges of that circuit.

- BILL SUMMARY: A Bill to provide that the county supplements provided to judges of the Griffin Judiciary Circuit shall not be decreased after July 1, 2010.
- **Authored By:** Sen. Ronnie Chance of the 16th
- **House Committee:** Intragovernmental Coordination - Local
- **Yeas:** 126; **Nays:** 0

SB 545 - Turner County; create a board of elections and registration; provide for powers and duties; definitions; composition

- BILL SUMMARY: A Bill to create the Turner County Board of Elections and Registration and to provide for its powers and duties.
- **Authored By:** Sen. John Crosby of the 13th
- **House Committee:** Intragovernmental Coordination - Local
- **Yeas:** 126; **Nays:** 0

SB 547 - St. Marys, City of; ad valorem taxes; provide for homestead exemption; municipal purposes

- BILL SUMMARY: A Bill to replace the current homestead exemption from City of St. Marys ad valorem taxes for municipal purposes in the amount of \$25,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or older whose income does not exceed \$25,000.00 with a new exemption in the amount of \$40,000.00 for residents who are 65 years of age or older whose income does not exceed \$40,000.00.
- **Authored By:** Sen. Jeff Chapman of the 3rd
- **House Committee:** Intragovernmental Coordination - Local
- **Yeas:** 126; **Nays:** 0

SB 548 - Lee County; provide the chief Magistrate shall appoint the clerk of the Magistrate Court

- BILL SUMMARY: A Bill to provide that the chief magistrate of Lee County shall appoint the clerk of the Magistrate Court and that the salary of the clerk shall be fixed by the county commission.
- **Authored By:** Sen. John Crosby of the 13th
- **House Committee:** Intragovernmental Coordination - Local
- **Yeas:** 126; **Nays:** 0

SB 549 - Rabun County; authorized to lease or sell lands and buildings to the Authority

- BILL SUMMARY: A Bill to authorize Rabun County or the Rabun County School District to lease or sell lands and buildings to the Rabun County Building Authority.
- **Authored By:** Sen. Jim Butterworth of the 50th
- **House Committee:** Intragovernmental Coordination - Local
- **Yeas:** 126; **Nays:** 0